

NOV 16 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:	)	Group Art Unit: 1631
	)	
McDONOUGH <i>et al.</i>	)	Examiner: Marschel, A.
	)	
Serial No. 08/480,472	)	Atty. Docket No. GP034-03.DV1
	)	
Filed: June 6, 1995	)	Confirmation No. 9286
	)	
For: NUCLEIC ACID SEQUENCE	)	<b>VIA FACSIMILE</b>
AMPLIFICATION	)	

**REPLY UNDER 37 C.F.R. § 1.111**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Office Action mailed on June 16, 2004, kindly consider the following remarks in connection with the above-captioned application.

**Remarks**

Claims 39-42, 48-51, 54-56, 67-73, 75, 78-80, 82-84, 86, 88-90, 92, 93, 95, 96, 98-162, 164-174, 176-213 and 216-231 are presently pending in the subject application. Claims 42, 55, 56, 75, 78-80, 82, 83, 95, 96, 100-149, 151-157, 164-167, 169-172, 174, 177-179, 185, 187-191, 195, 196, 199-203, 216-221 and 227-231 are allowed. Claims 39-41, 67-73, 84, 86, 88-90, 92, 98, 150, 158-162, 168, 173, 176, 180-184, 186, 192-194, 197, 198, 204-213 and 222-226 are rejected. And claims 48-51, 54, 93 and 99 are objected to for depending from a rejected base claim(s).

**Rejection Under 35 U.S.C. § 103**

Claims 39-41, 67-73, 84, 86, 88-90, 92, 98, 150, 158-162, 168, 173, 176, 180-184, 186, 192-194, 197, 198, 204-213 and 222-226 stand rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Boddinghaus *et al.* (*J. Clin. Microbiol.* (1990) 28:1751), taken in